

## **REMARKS**

### **I. INTRODUCTION**

Applicants thank the Examiner for the indication of allowable subject matter in claims 5-8, 10-13, 18 and 20. Applicants have cancelled claims 9, 16-17 and 19-20 and amended claims 1-5, 10-11 and 18. Accordingly, claims 1-8, 10-15 and 18 are presently pending in this application. Applicants respectfully request reconsideration of the application in view of the foregoing amendments and the following arguments.

### **II. AMENDMENTS TO THE SPECIFICATION**

Applicants have amended paragraph [0032] and [0036] in the application to correct a misnumbering in accordance with the Examiner's suggestion. Applicants submit that these amendments do not add any new matter.

### **III. AMENDMENTS TO THE DRAWINGS**

Applicants have amended Figure 3 to add a previously missing reference number in accordance with the Examiner's suggestion. Applicants submit that the amendment to the drawing does not add any new matter.

### **IV. AMENDMENTS TO THE CLAIMS**

Applicants have amended claims 2, 5, 10-11 and 18 to place the claims into independent form. Applicants have amended claim 1 to more particularly recite that the first arm comprises "a leaf spring sandwiched between said body and said axle beam, said first arm defining an eye at one end through which said first arm is coupled to said frame at said one end" and that the suspension includes "a second arm extending from said body in a substantially opposite direction from said first arm, said second arm forming a unitary structure with said body...." Support for these amendments can be

found throughout the specification and drawings including in Figures 1-3, original claim 3-4, and at paragraphs [0027] to [0028]. Finally, Applicants have amended claims 3-4 for consistency with the amendments made to claim 1. Applicants submit that none of the amendments adds any new matter.

#### **V. OBJECTIONS TO THE DRAWINGS**

The drawings stand objected to as failing to comply with 37 C.F.R. § 1.84(p)(5) because the drawings do not include reference number 100 referred to in the written description. Applicants have submitted a replacement sheet of drawings containing amendments. Applicants have amended Figure 3 to include reference number 100 previously missing from the drawings. Applicants respectfully submit that these amendments overcome the objection under 37 C.F.R. § 1.84(p)(5). Accordingly, Applicants request that the objection to the drawings be withdrawn.

#### **VI. OBJECTIONS TO THE SPECIFICATION**

The specification stands objected to due to informalities. In particular, paragraphs [0032] and [0036] include a misnumbering. Applicants have amended the paragraphs in accordance with the Examiner's suggestion. Accordingly, Applicants respectfully submit that the objection has been overcome and request that the objection be withdrawn.

#### **VII. REJECTION OF CLAIMS 1-4, 9 AND 14-17 UNDER 35 U.S.C. § 102(E)**

Claims 1-4, 9 and 14-17 stand rejected under 35 U.S.C. § 102(e) as anticipated by Petit (U.S. Patent No. 6,607,206). Applicants have cancelled claim 9 and 16-17 and amended claims 1-4. Applicants respectfully submit that the rejections of remaining claims 1-4 and 14-15 under 35 U.S.C. § 102(e) have been overcome because Petit does

not disclose or suggest all of the limitations recited in the claims. In re Paulsen, 30 F.3d 1475, 1478-79, 31 U.S.P.Q.2d 1671 (Fed. Cir. 1994); Verdegaal Bros. v. Union Oil Co. of California, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1997) (“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.”).

Independent claim 1, as amended, recites a suspension including a “body coupled to an axle beam,” “a first arm extending from said body, said first arm comprising a leaf spring sandwiched between said body and axle beam, said first arm defining an eye at one end through which said first arm is coupled to said frame at said one end and pivotable about a pivot axis...” and “a second arm extending from said body in a substantially opposite direction from said first arm, said second arm forming a unitary structure with said body...” Applicants respectfully submit that Petit does not disclose or suggest a suspension meeting the above-recited limitations.

Petit discloses a suspension including a leaf spring 10 that extends parallel to the longitudinal direction of the vehicle from a pivot point at a first end 12, through a bracket 40 to a second 14 that supports a spring 60. The Examiner has equated different portions of the leaf spring with the “body” and “first arm” recited in original claim 1. Applicants submit, however, that Petit cannot meet the limitations of claim 1 as amended.

Independent claim 1 now describes the first arm as a leaf spring “sandwiched between said body and said axle beam, said first arm defining an eye at one end through which said first arm is coupled to said frame at said one end” (i.e., the first arm is defined as a separate component from the body) and includes the recitation of a “second arm...forming a unitary structure with said body” Petit does not include any structure

capable of meeting these limitations. To the extent that the leaf spring 10 is considered to be a “first arm,” there is no structure in Petit that would meet the limitations of a unitary “body” and “second arm.” To the extent individual leaves of the leaf spring are considered to be a “first arm,” only one of the leaves could possibly qualify as “first arm...defining an eye at one end” and none of the other leaves (or other structure) could then meet the corresponding limitations of a unitary “body” and “second arm” as recited in claim 1, as amended.

Because Petit does not meet or suggest all of the limitations recited in independent claim 1, as amended, Applicants submit that the rejection of claim 1 under 35 U.S.C. § 102(e) has been overcome. Accordingly, Applicants respectfully request that the rejection of claim 1 under 35 U.S.C. § 102(e) be withdrawn. Further, because each of claims 3-4 and 14-15 depend from independent claim 1, Applicants submit that the rejection of claims 3-4 and 14-15 under 35 U.S.C. § 102(e) has also been overcome. Accordingly, Applicants request that the rejection of claims 3-4 and 14-15 under 35 U.S.C. § 102(e) be withdrawn.

Independent claim 2 recites a “suspension” including “a body coupled to an axle beam...a first arm extending from said body....a first guide member connected to said body” and “a spring disposed between said axle beam and said frame and supported by a spring seat defined by said body.” Applicants respectfully submit that Petit does not disclose or suggest a suspension meeting the above-recited limitations.

As set forth above, the Examiner has equated different parts of the leaf spring 10 in Petit with the “body” and “first arm” recited in the claims. In particular, the Examiner notes that the “central portion of leaf #10 located near #20” may comprise the “body”, the

“forward portion of leaf #13” may comprise the “first arm” and the “rearward ends of leaf spring” may comprise the “guide member.” The spring 60 in Petit, however, is disposed at the rearward end of the leaf spring 10 on the portion that the Examiner has equated to the “guide member”. Accordingly, Applicants submit that it is incorrect to construe the central part of the leaf spring 10 extending over the axle beam as the “body,” the rearward portion as the “guide member connected to said body” and to simultaneously assert that Petit discloses a “spring disposed between said axle beam and said frame and supported by a spring seat defined by said body.” Rather, under the Examiner’s construction, the spring 60 in Petit is supported by a spring seat on the guide member rather than the body.

Because Petit does not meet or suggest all of the limitations recited in independent claim 2, Applicants submit that the rejection of claim 2 under 35 U.S.C. § 102(e) is improper. Accordingly, Applicants respectfully request that the rejection of claim 2 under 35 U.S.C. § 102(e) be withdrawn.

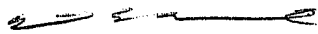
#### **VIII. REJECTION OF CLAIM 19 UNDER 35 U.S.C. § 103(A)**

Claim 19 stands rejected under 35 U.S.C. § 103(a) as unpatentable under 35 U.S.C. § 103(a) over Petit (U.S. Patent No. 6,607,206) in view of Gottschalk et al. (U.S. Patent No. 6,073,947). Applicants have cancelled claim 19. Accordingly, Applicants submit that the rejection has been rendered moot.

## IX. CONCLUSION

For the above cited reasons, all of the claims presently pending in this application are believed to be allowable. If the Examiner has any further questions or concerns, the Examiner is invited to contact the Applicant's undersigned attorney.

Respectfully submitted,

  
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